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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,706	09/15/1999	ANOOP GUPTA	MS1-387US	7832
22801	7590	10/22/2003	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LUU, SY D	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/396,706	GUPTA ET AL.
Examiner	Art Unit	
Sy D Luu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 July 2003 and 18 April 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-49, 51 and 52 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-27, 32-49 and 52 is/are allowed.

6) Claim(s) 28, 29, 31 and 51 is/are rejected.

7) Claim(s) 30 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This communication is responsive to the communications regarding a response to the office action dated 6/27/03, RCE and Amendment B, filed 7/24/03, 4/18/03 and 4/18/03 respectively.
2. Claims 1-49 and 51-52 are pending in this application. Claims 1, 3, 12-13, 16, 23, 28, 32, 42, 47 and 51 are independent claims. In the Amendment B, claims 12-13 and 23 were amended, claim 50 was cancelled and claims 51-52 were added. This action is made Non-Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 51 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By merely describing a process, the claims fail to meet the standard format of claiming convention which should include matters such as a method with steps, an apparatus or an article of manufacture. Since the claim appears to describe similar substance as claim 1 and in order to expedite the prosecution of the application, it is suggested that the claim language to

be amended in a manner to reflect consistency with the language of claim 1 while adhering to the standard format of the claiming convention.

***Claim Rejections - 35 USC § 102***

6. Claims 28-29 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Eberman et al. ("Eberman", US 6,173,287 B1).

As per claim 28, Eberman teaches a method comprising: presenting a user interface at a client computer, the user interface enabling a user to add a new annotation corresponding to media content; receiving a user request to add the new annotation; and forwarding information for the new annotation to an annotation server, the information including data associated with the user interface (col. 15, lines 4-11; col. 7, lines 38-51; *annotations for objects corresponding to the audio/video media content along with the associated object ID being forwarded to the meta database server*). Although Eberman does not explicitly disclose a user interface, however such a means would have been inherent to Eberman's method in order to allow an user to perform generating/adding annotation operations.

As per claim 29, Eberman teaches the data associated the user interface comprises an annotation set identifier (col. 7, lines 46-51; *object identification number*).

As per claim 31, Eberman teaches one or more computer-readable memories containing computer program that is executable by a processor to perform the method recited in claim 28 (col. 24, lines 5-14)

***Claim Rejections - 35 USC § 103***

7. Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art ("Admitted Art"; Specification, pages 2-3).

As per claim 28, Admitted Art teaches a method comprising: presenting a user interface at a client computer, the user interface enabling a user to add a new annotation corresponding to media content; receiving a user request to add the new annotation; and forwarding information for the new annotation to an annotation server, the information including data associated with the user interface (Specification; page 2 line 19 through page 3 line 4). While Admitted Art refers to a network server, Admitted Art does not expressly disclose the network server to be an annotation server. It would have been obvious to an artisan at the time of the invention, however, that such a server would have been included to Admitted Art's method so that a means for managing annotations is provided.

As per claim 29, Admitted Art does not explicitly disclose the data to comprise an annotation set identifier. Official Notice is taken that the use of identifiers for annotation sets is well known in the art. It would have been obvious to an artisan at the time of the invention to include such identifiers in order to provide an efficient means for keeping track or managing annotations in a network environment.

As per claim 31, computer-readable memories containing computer program that is executable by a processor to perform the method as described in claim 28 would also have been inherent to such a method in order to perform the steps properly.

***Response to Arguments***

8. Applicant's arguments with respect to claim 28 have been fully considered but they are not persuasive.

Applicant argues that Eberman does not teach the step of forwarding information for the new annotation to an annotation server, **the information including data associated with the user interface.** The examiner disagrees for the following reasons: since an user generates new annotations for objects corresponding to the audio/video media content while they are necessarily being presented on the display so that the user could visibly see which objects that are being operated on, this display that the user is viewing is considered an user interface. It is noted that by definition an user interface is any interface being presented on a display which is used as a means for users to interact with information presented therein.

***Allowable Subject Matter***

9. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 1-27, 32-49 and 52 are allowable over the art of record because the art of record do not teach all of the claim limitations.

11. The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements: analyzing at least a portion of the media content to identify a likely temporal location of the media content

to associate the new annotation with, and presenting the likely temporal location to the user via the user interface as recited in claim 30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Inquires*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(703) 305-0409**. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on **(703) 308-0640**.

The fax number for the organization where this application or proceeding is assigned is **(703-872-9306)**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3900**.



SY D. LUU  
PRIMARY EXAMINER